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ROUTINE

## Intelligence Information Cable

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CITE

DIST 21 JUNE 1972

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COUNTRY SOUTH VIETNAM

DOI LATE MAY - 15 JUNE 1972

SUBJECT FACTORS INFLUENCING THE BIEN HOA PROVINCE NATIONAL POLICE SPECIAL BRANCH PROGRAM OF ARRESTING PERSONS SUSPECTED OF VIET CONG ACTIVITIES

ACQ VIETNAM, BIEN HOA (15 JUNE 1972) FIELD NO.

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SOURCE A REGULAR

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WHO WAS AWARE HIS REMARKS WOULD REACH UNITED STATES OFFICIALS.

1. ON 15 JUNE 1972,

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STATED THAT THE PROVINCE NATIONAL POLICE SPECIAL BRANCH HAD ARRESTED 95 PERSONS ON SUSPICION OF VIET CONG (VC) ACTIVITIES SINCE ITS VC ROLL-UP PROGRAM COMMENCED IN LATE MAY. SIXTEEN OF THE 95 HAVE BEEN BROUGHT BEFORE THE PROVINCIAL SECURITY COUNCIL FOR TRIAL.

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OF THE 16, FIVE WERE FOUND GUILTY AND GIVEN THREE TO 24-MONTH PRISON SENTENCES; THE REMAINING 11 WERE FOUND NOT GUILTY AND RELEASED. ONLY ONE OF THE 95 ARRESTED HAS CONFESSED TO INVOLVEMENT IN VC ACTIVITIES.

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2. ACCORDING TO [REDACTED] THE ARREST AND TRIAL RESULTS THUS FAR HAVE BEEN SHAMEFUL AND WILL CONTINUE TO BE SO. HE CITED TWO PRIMARY FACTORS RESPONSIBLE FOR WHAT HE CONSIDERS THE COMPLETE FAILURE OF THE SPECIAL BRANCH PROGRAM. THE FIRST IS THAT PRISONERS KNOW THAT THE POLICE CANNOT OBTAIN CONVICTIONS IN COURT WITHOUT SOLID EVIDENCE, AND IN LARGE SCALE ROLL-UP OPERATIONS SOLID EVIDENCE IS OBTAINED ONLY THROUGH INTERROGATION; THAT WITHOUT CONVICTIONS THOSE ARRESTED CAN BE HELD ONLY A SHORT PERIOD OF TIME; AND THAT IF THEY CONTINUE TO PROTEST THEIR INNOCENCE AND INTERROGATION RESULTS ARE NEGLIGIBLE THEY ARE RELEASED WITHIN 30 DAYS. THE SECOND FACTOR IS THAT IN MANY CASES PRISONERS HAVE RELATIVES OR FRIENDS WITHIN THE GOVERNMENT MILITARY AND POLITICAL HIERARCHIES IN BIEN HOA PROVINCE WHO CAN EASILY BRING PRESSURE TO BEAR UPON LOCAL POLICE AND SECURITY COUNCIL MEMBERS; WITH SUFFICIENT PRESSURE IN THE RIGHT PLACES,

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THE PRISONERS OBTAIN SPEEDY TRIALS, AND, SINCE INVESTIGATORS  
USUALLY HAVE INSUFFICIENT TIME TO COMPLETE THEIR INTERROGATIONS  
AND/OR INVESTIGATIONS, THE CASES ARE USUALLY DISMISSED FOR  
LACK OF EVIDENCE.

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COMMENT: DURING THE CONVERSATION  
THE OFFICIAL SIGNED RELEASES FOR THREE OF THE REMAINING  
79 PRISONERS, ONE FOR AN APPARENTLY LEGITIMATE REASON AND TWO  
AS THE RESULT OF PRESSURE FROM HIS SUPERIORS.) THE

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[REDACTED] ADDED AS A THIRD FACTOR POOR TRAINING, LACK OF  
EXPERIENCE, AND LACK OF PROFESSIONALISM AMONG POLICE  
INVESTIGATORS AND INTERROGATORS.

3. THE BIEN HOA PROVINCE SECURITY COUNCIL IS COMPOSED  
OF THE FOLLOWING INDIVIDUALS: PROVINCE CHIEF LAM QUANG  
CHI NH, COUNCIL CHAIRMAN; PROSECUTING ATTORNEY T O N G  
OF THE BIEN HOA COURT OF FIRST INSTANCE; SECTOR S2  
CHIEF MAJOR C H A U; MILITARY SECURITY SERVICE CHIEF MAJOR  
K I E NG NATIONAL POLICE CHIEF LIEUTENANT COLONEL TRAN VAN  
H A I; PROVINCIAL COUNCIL CHAIRMAN P H U O C; AND INTERNAL  
SECURITY SERVICE CHIEF N H A M. ACCORDING TO THE

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[REDACTED], ATTORNEY TONG IS THE MOST POWERFUL MAN ON THE  
COUNCIL AND IS FEARED BY THE OTHER COUNCIL MEMBERS AND BY

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MOST PROVINCE OFFICIALS. IN THE ABSENCE OF PROVINCE CHIEF CHINH, TONG HAS ACTED AS CHAIRMAN OF THE TWO SECURITY COUNCIL MEETING HELD THUS FAR TO TRY THE PRISONERS, AND HAS SHOWN GREAT INTEREST IN OBTAINING RELEASES FOR SEVERAL OF THE 16 ALREADY TRIED. IN MOST CASES IT HAS BEEN HE WHO WAS CONTACTED BY RELATIVES AND FRIENDS OF THE PRISONERS. WHILE

25X1 THE [REDACTED] MADE NO DIRECT ACCUSATION OF BRIBERY OR COLLUSION AGAINST TONG, HE SAID HE HIMSELF HAD BEEN AMONG THOSE "INFLUENCED" BY TONG TO REDUCE OR DROP CHARGES AND THAT THERE ARE WAYS OTHER THAN MONEY TO BRING PRESSURE TO BEAR ON OFFICIALS.

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4. THE [REDACTED] CLAIMED THAT, LIKE MANY [REDACTED]

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[REDACTED] HE IS POWERLESS TO COMBAT THE SYSTEM, SINCE HE HAS NO VOICE IN THE SECURITY COUNCIL AND MERELY PRESENTS THE CASES. HOWEVER, HE SAID HE HAS DELIBERATELY BEEN SLOWING THE LEGAL PROCESS BY HOLDING THE PRISONERS AS LONG AS POSSIBLE BEFORE PRESENTING THEIR CASES TO THE COUNCIL. SINCE THE COUNCIL MEETS ONLY ONCE A WEEK, HE SAID, HE HAS BEEN PRESENTING "VERY SLOWLY" FIRST THOSE CASES IN WHICH THE MOST PRESSURE HAS BEEN BROUGHT TO BEAR, THOSE IN WHICH

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HE BELIEVES THE PRISONER TO BE INNOCENT, OR THOSE IN WHICH  
CONVICTION IS UNLIKELY IN ANY EVENT. [REDACTED] COMMENT:

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THE OFFICIAL IS WELL RESPECTED IN HIS POSITION BUT HE IS  
VERY DISCOURAGED BY THE OUTCOME OF THE SPECIAL BRANCH PROGRAM  
AND THE OUTSIDE PRESSURES BROUGHT TO BEAR ON THE POLICE AND  
ON HIM, PERSONALLY.)

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5. [REDACTED] COMMENT: SEE [REDACTED] MAY 1972, FOR  
A REPORT OF DIFFICULTIES ENCOUNTERED BY POLICE SPECIAL BRANCH  
OFFICIALS IN ARRESTING KNOWN OR SUSPECT VC IN TAY NINH  
PROVINCE. THE PRIMARY REASON FOR PROBLEMS IN THE PROGRAM IN  
THAT PROVINCE WAS GIVEN AS LACK OF COOPERATION OR OUTRIGHT  
OPPOSITION FROM VILLAGE, DISTRICT AND PROVINCE OFFICIALS.)

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6. [REDACTED] DISSEM: EMBASSY USMACV 7TH AIR FORCE PSD  
[REDACTED] ONLY) AT SAIGON; SENT TO CINCPAC ARPAC PACFLT  
PACAF PARIS. GROUP 1

REPORT CLASS S E C R E T [REDACTED]

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